

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 • Fax: (518) 402-9020

Website: www.dec.ny.gov



Joe Martens
Commissioner

November 21, 2014

Northrop Grumman Systems Corporation
Attn: Edward J. Hannon, Environmental, Safety, Health and Medical Manager
925 South Oyster Bay Road
M/S Q06305/BP 14
Bethpage, NY 11714-3582

RE: Northrop Grumman Bethpage Facility OU2
Site No.: 130003A
Record of Decision Implementation

Dear Mr. Hannon:

The continuing investigation of offsite groundwater by the U.S. Navy that has been underway in the area in-between Bethpage Water District Plant 6 and the GM 75 hotspot, which was identified in the Operable Unit 2 (OU2) Record of Decision ROD, recently confirmed a hot spot that had been suspected in this area. The Department of Environmental Conservation (DEC), pursuant to the March 2001 U.S. Navy and Northrop Grumman RODs for the OU2 plume, has directed the U.S. Navy to immediately begin design of a groundwater extraction system to address this contamination. (See attached letter).

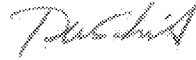
The 2001 Operable Unit 2 ROD requires, among other obligations, additional groundwater investigation to determine if there are any other areas of elevated groundwater contamination and, if identified, requires additional remediation of any identified hotspots. The ROD identifies 1 ppm as a hot spot that needs additional remediation. The results from this work meet this criteria and we are also notifying Northrop Grumman, as an identified responsible party, that additional remediation is required on an expedited basis.

This letter also serves as notice to Northrop Grumman that DEC expects Northrop Grumman to participate in this effort with the U.S. Navy and enter into an Order on Consent (Order) for the implementation of the OU2 ROD. Northrop Grumman has previously refused to sign an Order for implementation of the OU2 ROD.

Please note that the United States Environmental Protection Agency (EPA) has expressed significant concerns related to these new findings and absent substantive progress towards an order on consent between DEC and Northrop Grumman in the next thirty days, the EPA is prepared to issue a unilateral administrative order (UAO) to Grumman for this work. While DEC would prefer to proceed with this project pursuant to a State order, given Northrop Grumman's refusal to negotiate to this point, DEC is prepared to work with the EPA to engage Northrop Grumman in this necessary work pursuant to the UAO.

Please contact Benjamin Conlon, Esq. by email at benjamin.conlon@dec.ny.gov or by telephone at 518-402-9185, or Rosalie K. Rusinko, Esq. rosalie.rusinko@dec.ny.gov , 914-428-2505, within 7 days of receipt of this letter to discuss Grumman entering into an Order for the OU2 work.

Sincerely,



Robert W. Schick, P.E.
Director
Division of Environmental Remediation

Enclosure

cc: Lora Fly, US Navy (lora.fly@navy.mil)
Aaron Gershonowitz, Forchelli Law (agershonowitz@forchellilaw.com)
Daniel Riesel, Sive Paget & Riesel P.C. (driesel@sprlaw.com)
George Pavlou, EPA
Walter Mugdan, EPA
John LaPadula, EPA
Doug Garbarini, EPA
Steven Karpinski, DOH
Charlotte Bethoney, DOH
Michael Ryan, DEC
Jim Harrington, DEC
John Swartwout, DEC
Steve Scharf, DEC
Benjamin Conlon, DEC
Rosalie K. Rusinko, DEC

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Joe Martens
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November 5, 2014

Lora Fly
Naval Facilities Engineering Command Midlant
9742 Maryland Avenue
Norfolk, VA 23511-3095

Re: Naval Weapons Industrial Reserve Plant- Bethpage
Nassau County
Site No. 130003B

Dear Ms Fly:

This letter is being sent in follow up to the conference call you held on October 22, 2014 with the New York State Department of Environmental Conservation (DEC) and the New York State Department of Health (DOH) informing the agencies of the analytical results from the monitoring wells installed earlier this year in the area where an additional hot spot had been suspected. Since this work was intended to confirm a hot spot that had been suspected in the vicinity, the presence of elevated levels was not unexpected, however we were somewhat surprised by the magnitude. However, we are very concerned that the Navy did not immediately bring this to our attention rather than wait until October, when the initial sampling in March identified the problem and the levels were then confirmed by the June sampling. The Navy instead delayed any formal notice to DEC until the preliminary results from the third sampling event in September again confirmed the levels. This delay in the Navy's formal notice is unacceptable.

The 2001 Operable Unit 2 Record of Decision requires, among other obligations, additional groundwater investigation to determine if there are any other areas of elevated groundwater contamination and, if identified, requires additional remediation of any identified hotspots. The ROD identifies 1 ppm as a hot spot that needs additional remediation. These results certainly meet this criteria and we are notifying you that additional remediation is required on an expedited basis.

Given the magnitude of these findings, the Navy must immediately begin design of a groundwater extraction system to address this contamination, given it is upgradient of two operating public supply wells (Bethpage Water District Wells 6-1 and 6-2). This work is covered by the March 2005 Federal Facilities Site Remediation Agreement between DEC and the Navy under which the Navy agreed to implement both the DEC and Navy Operable Unit 2 RODs. Please provide a workplan for the design and installation of groundwater collection and treatment system to contain this hotspot area within 60 days of the date of this letter, given that the Navy has been aware of this need since the Spring. DEC will require monthly conference calls with the Navy to discuss your progress in developing and implementing this workplan.

Please contact me if there are questions regarding this letter. Technical questions can be addressed to Steven Scharf, the DEC Project Manager by email at steven.scharf@dec.ny.gov.

Sincerely

Robert W. Schick, P.E., Director
Division of Environmental Remediation

ec:

Douglas Garbarini, EPA
Charlotte Bethoney, DOH
Michael Ryan, DEC
Jim Harrington, DEC
John Swarwout, DEC
Steve Scharf, DEC